



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
	:	
Francisca Cartagena, C.H.H.A.	:	FINAL ORDER OF
Certificate No. 26NH10880400	:	DISCIPLINE
	:	
	:	
	:	
	:	
HOMEMAKER HOME HEALTH AIDE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Francisca Cartagena ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on July 3, 2014 by the North Bergen Township Police, for violation of N.J.S.A. 2C:20-11C(4), Shoplifting, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record via regular and certified mail on or about

August 8, 2014. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was delivered and signed for on August 20, 2014.

3. To date, Respondent has not responded to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 6, 2015, provisionally suspending respondent's certification to practice as a certified homemaker-home health aide, imposing a \$200 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all

reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via her attorney and furnished the Board with the information requested with regard to the charges against her, which had been dismissed. The Board therefore determined that suspension of Respondent's certification was no longer applicable. However, Respondent's failure to respond to the Board's letter of inquiry, dating from August 8, 2014, until the July 30, 2015 submission of her attorney, almost a year later, constitutes a clear failure to cooperate with the Board's investigation. The Board should not be required to issue an order to obtain a response for a request for information from its licensees, with the corresponding delay and needless expenditure of staff resources caused by this conduct. Therefore, the Board determined that the Provisional Order should be finalized, imposing the \$200 monetary penalty.

ACCORDINGLY, IT IS on this 9<sup>th</sup> day of December, 2015,

ORDERED that:

1. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PLD APN*  
Patricia Murphy, PhD, APN  
President